

### **Remarks**

Claims 1-22 remain in this application. No claims have been cancelled or withdrawn.

Claims 6-10 have been rewritten to, in effect, reorder the claims such that the subject matter of claims 7, 8, 9, and 10 as originally filed and subsequently amended now appears in claims 6, 7, 8, and 9, respectively. The subject matter of claim 6 as originally filed now appears in claim 10. This amendment was made because claims 7 and 8, as originally filed, depend from claim 5. Because claim 6 as originally filed did not depend from claim 5, but rather from claim 1, Applicant respectfully submits that the clarity of the claims is promoted if dependent claims are presented immediately after the claims from which they depend.

For the reasons more fully outlined below and in the original specification, Applicant respectfully submits that the pending claims 1-22 are in condition for allowance and respectfully requests reconsideration and withdrawal of all rejections.

### **Rejections Under 35 U.S.C. § 112**

Claims 1-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. This rejection is understood to be based on the premise that the specification and drawings do not disclose "a minimum time period based on a pre-determined retention policy."

Applicant respectfully traverses the rejection and, for the reasons below, submits that the claims are supported by the disclosure.

The specification discloses at page 6, line 32 to page 7, line 10:

“One preferred embodiment of the present invention includes a system that provides for management functions related to electronic records, such as the selective purging of emails. The sender or *[sic]* may determine whether an email is purgeable or not purgeable by the recipient. Alternatively, the system may determine the purge characteristics of a particular email based on the information stored in the electronic tag.

“The policy monitor 110 works with the policy effectiveness module 120 to provide network user compliance monitoring with network security policy stored in a database, it electronically evaluates network security policy compliance based on network user compliance, and it undertakes a network policy compliance action in response to network security policy compliance. Network user compliance monitoring is defined as monitoring network activity to insure users are in compliance with the organization’s network security policies. Network security policies typically include a set of rules designed to limit an organization’s risk and liability.”

Further, the specification discloses at page 9, lines 9-11 and 15-20:

“Another optional policy is to require all internal email messages ... to be purged daily, so that no internal record is maintained.

....

“Email policy options may be integrated into the policy compliance monitor 110 and the document management system 135 so that all email messages, originating from within the organization can be indexed, recorded, retrieved, tracked and purged in the central repository database of the document management system

135. Further, all email messages may be assigned an electronic tag which may be copied to, recorded and retrieved from intranet web servers of the document management system 135 and may be measured for policy compliance by the policy compliance monitor 130."

Further, the specification discloses at page 19, lines 10-14:

"Block 615 represents the system 140 recording the recipient's opening the email message's electronic tag. After a specified period of time has elapsed, the message may disappear from the screen and the system 140 may begin to purge the email message from the network user's email application, the sender's email application and the email log file."

In view of at least the foregoing passages in the originally-filed specification, Applicant respectfully submits that the disclosure supports independent claims 1, 13, and 17, as well as dependent claims 2-12, 14-16, and 18-22. Accordingly, Applicant respectfully requests that the claim rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

#### **Rejections Under 35 U.S.C. § 103**

Claims 1-4, 15, and 17-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,108,688 to *Nielsen* in view of U.S. Patent No. 5,245,532 to *Mourier*. This rejection is understood to be based in part on the premise that *Nielsen* teaches creating an electronic tag that uniquely identifies the electronic record, the tag having at least one field for characterizing the record; sending the electronic record to a recipient; wherein at least one of the steps of

creating and storing ensure maintenance of the characterized record for a minimum time period based on a predetermined retention policy, and the recipient will be unable to delete the record from the central repository prior to the end of the minimum time period established by the predetermined retention policy.

Applicant traverses the rejection. At column 4, lines 32-45, *Nielsen* discloses that

“The display also includes two radio buttons, one and only one of which is active at any given instant to specify how message checking is to occur. The first radio button 36, when active, enables the system to use subject matching, while the second radio button 37 requires the system to have an explicit acknowledgement before removing an entry from the sender's database, or marking an entry as being complete. These features are described in greater detail below in conjunction with an explanation of the manner of their implementation. In essence, however, the explicit acknowledgement feature removes, or marks as complete, an entry in the sender's database only when a recipient returns to the sender a message which includes a copy of the header sent to the recipient.” (emphasis added)

*Nielsen* teaches requiring an acknowledgement before an entry can be removed from the sender's database. Because the timing of such an acknowledgement often depends on human factors, it is variable rather than predetermined. Accordingly, *Nielsen* does not disclose or suggest a minimum retention period for compliance with a predetermined retention policy, as recited in the claims, either alone or in combination with *Mourier*. The cited art, either alone or

in combination, does not teach or suggest Applicant's invention as claimed.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 5-12, 16, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,108,688 to *Nielsen* in view of U.S. Patent No. 5,245,532 to *Mourier* and further in view of U.S. Patent No. 5,786,817 to *Sakano et al.* This rejection is understood to be based in part on the same premise as the rejection of claims 1-4, 15, and 17-20 described above.

The above remarks addressing the rejection of claims 1-4, 15, and 17-20 apply with equal force to claims 5-12, 16, 21, and 22. For at least these reasons, Applicant respectfully submits that the cited art, either alone or in combination, does not teach or suggest Applicant's invention as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,245,532 to *Mourier* in view of U.S. Patent No. 6,108,688 to *Nielsen*. This rejection is understood to be based in part on the same premise as the rejection of claims 1-4, 15, and 17-20 described above.

The above remarks addressing the rejection of claims 1-4, 15, and 17-20 apply with equal force to claim 13. For at least these reasons, Applicant respectfully submits that the cited art, either alone or in combination, does not teach or suggest Applicant's invention as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

On the basis of the foregoing amendments, remarks, and papers of record, Applicant respectfully submits that the remaining claims 1-22 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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